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December 4, 2015

The Honorable Judge Kenneth M. Karas  
Federal Building and United States Courthouse  
300 Quarropas St.  
White Plains, NY 10601-4150

***Re: 7:15-cv-06203-KMK– Plaintiff’s First Letter Motion for Extension of Time within  
Which to Effectuate Service on John Doe Defendant***

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC, moves for entry of an order extending the time within which Plaintiff has to serve John Doe Defendant with a Summons and Complaint, and states:

1. On September 8, 2015, Plaintiff filed its Motion for Leave to Serve a Third Party [CM/ECF 5].
2. On September 9, 2015, Plaintiff was granted leave to serve a third party subpoena on Defendant’s ISP, Time Warner Cable, to obtain the Defendant’s identifying information [CM/ECF 13]. Plaintiff issued the subpoena on September 14, 2015, and expected to receive the response on October 28, 2015. Plaintiff has yet to receive as response.
3. Time Warner’s internal policy is to respond once a month at the end of the month and only releases responses after look up fee is paid. It is our practice to pay such invoices diligently within one or two business days and we will do everything possible to ensure we follow up diligently.
4. On December 2, 2015, Time Warner advised they were behind and will provide Plaintiff with a response by December 18, 2015.
5. Pursuant to Fed. R. Civ. P Rule 4(m), Plaintiff is required to effectuate service on the Defendant no later today, December 4, 2015.

6. Procedurally, Plaintiff respectfully requests that the time within which it must effectuate service of a summons and Complaint on the John Doe Defendant be extended an additional sixty (60) days upon receipt of Defendant's identifying information from the ISP.

7. This extension will allow undersigned sufficient time to receive Defendant's information from the ISP, investigate the information provided and serve the John Doe Defendant.

WHEREFORE, Plaintiff respectfully requests that the time within which it must serve the John Doe Defendant be extended an additional sixty (60) days upon receipt of Defendant's identifying information from the ISP.

Date: December 4, 2015.

Respectfully Submitted,

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